

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 98-088

WASTE DISCHARGE REQUIREMENTS FOR:

SANTA CLARA VALLEY WATER DISTRICT, 1998 SEDIMENT REMOVAL PROJECT, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Regional Board, finds that:

1. The Santa Clara Valley Water District (hereinafter Discharger) proposes to conduct sediment removal activities (dredging) at seven sites in five streams. The Discharger has applied for Water Quality Certification under Section 401 of the Clean Water Act, as detailed in their Pre-Construction Notification dated July 1998 to the U.S. Army Corps of Engineers (hereinafter Corps). The purpose of the project is to alleviate potential local flooding problems and to meet the requirements of the Federal Emergency Management Agency (FEMA) for flood protection. Approximately 55,400 cubic yards of silt would be removed, impacting approximately 2.36 acres of wetlands. Table 1 lists the names of the seven sites, locations, type of channel, approximate amounts of sediment to be removed, and the acreage of wetlands to be impacted by the 1998 project.

TABLE 1
1998 Sediment Removal Project Sites

Site No.	Creek	Location	Type of Channel	Approximate Sediment Volume (cubic yards)	Approximate Wetlands Impacted (acres)
1	Permanente	Downstream of Highway 101	Earthen/Tidal	900	0.05
2	Sunnyvale East	Downstream of Highway 237 to Station 23+00	Earthen/Tidal	13,000	0.35
3	Berryessa	Confluence with Lower Penitencia to Calaveras Boulevard	Earthen/Tidal	30,000	1.79
4	Berryessa	Confluence with Sierra Creek to Cropley Avenue	Earthen/Non-tidal	2,000	0.01
5	Berryessa	Montague Expressway to Interstate 680	Earthen/Non-tidal	5,000	0.05
6	Regnart	Confluence with Calabazas to Kim Street	Earthen/Non-tidal	2,500	0.07
7	Sierra	Mauna Kea to Crater Lane	Earthen/Non-tidal	2,000	0.04
			Total	55,400	2.36

2. The Discharger is in the process of preparing a comprehensive maintenance program for a multi-year permit that will address its sediment removal and bank stabilization requirements for that period. In the meantime, the Discharger is requesting authorization to conduct dredging at the seven sediment removal sites prior to the 1998-99 rainy season.
3. The Regional Board is regulating the proposed activities by issuance of Waste Discharge Requirements (WDRs) in order to protect the water quality at and in the vicinity of the dredging sites, and to adequately address disposal of dredged material.
4. The Discharger is also requesting authorization to complete dredging activities at one 1997 sediment removal site (San Tomas Aquino) that was previously permitted under the 1997 Urgent Sediment Removal Project, Order No. 97-094. The Discharger dredged half of the channel in 1997 and would dredge the remaining half of the channel in 1998. As a part of Order No. 97-094, the Discharger has previously committed to provide compensation for the project impacts to wetlands at this site. This Order authorizes the Discharger to complete the work at the San Tomas Aquino site in 1998.
5. The Regional Board, on June 21, 1995, adopted, in accordance with Section 13244 et. seq. of the California Water Code, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated and consolidated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater.
6. The Discharger would load the excavated material from the sites directly to dump trucks for transport to a permitted landfill facility or otherwise a site approved in advance by the Executive Officer of the Regional Board.
7. The Discharger may temporarily stockpile excavated sediment prior to disposal or reuse at a site approved in advance by the Executive Officer. The excavated sediment may be stockpiled on-site so that it can be loaded into trucks for off-site disposal within three (3) working days. The excavated sediment may also be temporarily stockpiled at an off-site location approved in advance by the Executive Officer.
8. A discharge of water (effluent) could result from the handling and placement of dredged sediment at an off-site temporary sediment stockpile site (if used). Any effluent discharged during sediment placement and temporary storage is referred to as "decant water." These WDRs regulate effluent discharged as a result of dredged sediment placement and temporary storage.
9. The Discharger has submitted documentation to show that appropriate effort was made to avoid and then to minimize wetland disturbance, as required by the Basin Plan.

10. The wetlands to be impacted are Waters of the State and of the United States. The 1998 project would have a temporal impact on approximately 2.19 acres of tidal wetlands and 0.17 acres of non-tidal waters as outlined in Table 1.
11. The Discharger has submitted a wetlands mitigation and monitoring plan dated June 8, 1998, that includes the restoration of 10 acres of tidal wetlands and 0.6 acres of non-tidal wetlands as compensation for impacts to 8.9 acres of tidal wetlands and 1.0 acres of non-tidal wetlands, respectively, resulting from the 1997 sediment removal project. The Discharger has proposed to include the restoration of 1.8 acres of tidal wetlands in the mitigation and monitoring plan to compensate for the 1998 project impacts to 1.79 acres of tidal wetlands at the Berryessa Creek site (Lower Penitencia to Calaveras Boulevard - Site No. 3 in Table 1).
12. The Discharger is currently conducting a Wetlands Vegetation Recovery Study to investigate the effects of sediment removal activities on in-stream wetlands vegetation in order to better define environmental impacts and refine mitigation requirements, as appropriate. The purpose of the study is to determine the nature, extent, and time frame for in-stream wetlands vegetation to re-establish following sediment removal activities in tidal and non-tidal channels.
13. Based on the information contained in the Discharger's comprehensive maintenance program for a multi-year permit, which will include information obtained during the wetlands vegetation recovery study, additional mitigation may be required for the 1998 project impacts.
14. The Discharger has submitted a Sediment Characterization Plan dated July 10, 1998. The purpose of the Sediment Characterization Plan was to determine the suitability for disposal of the sediment and to determine whether the self-monitoring program should be expanded to include additional water quality constituents.
15. The Discharger has submitted a draft Best Management Practices (BMP) Plan dated August 11, 1998. The BMP plan identifies practices to be implemented by the Discharger that will minimize impacts to the beneficial uses of waters of the State during the course of the project, and includes BMPs to minimize impacts to portions of the channel(s) that will not be dredged in 1998. The BMP plan also includes details on how the channel will be dewatered and how wet sediment will be transported without discharge should there still be flow when dredging is begun. The BMP plan may be amended with the written approval of the Executive Officer.
16. The Discharger has submitted a draft Self-Monitoring Program Water Quality Sampling Plan dated August 11, 1998. The Water Quality Sampling Plan identifies sampling and analysis procedures, quality assurance/quality control protocols, and recordkeeping and reporting procedures to be followed to document compliance with the requirements of this Order. The plan also includes an "Information and Data Collection Monitoring"

section whereby water quality data that will be collected during the 1998 project will be used to guide future sediment removal projects and the Discharger's comprehensive maintenance program. The Water Quality Sampling Plan may be amended with the written approval of the Executive Officer.

17. The California Environmental Quality Act (CEQA) requires all projects approved by State agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document for such projects.
18. The Discharger prepared a Negative Declaration dated July 1998 for this project and approved it on September 1, 1998, and the Regional Board considered this Negative Declaration. The project as approved by the Discharger, and as conditioned by these WDRs, will not have a significant impact on water quality.
19. Pursuant to Title 23, California Code of Regulations Section 3857, the Regional Board is issuing WDRs and will not act on the application for Water Quality Certification for the sediment removal projects.
20. The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for this discharge.
21. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Santa Clara Valley Water District, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. The direct discharge of wastes (including dredged sediment) from active dredging sites to surface waters or surface water drainage courses is prohibited.
2. The excavated sediment shall remain within the designated temporary stockpile areas at all times. The designated disposal areas are: (a) an off-site location approved in advance by the Executive Officer, or (b) on-site for three working days if the moisture content of the stockpiled sediments does not exceed 32 percent.
3. The dredge and disposal activities subject to these requirements shall not cause a nuisance as defined in Section 13050(m) of the California Water Code.
4. The discharge of decant water from any on-site temporary sediment stockpile or storage areas to surface waters or surface water drainage courses outside of the active dredging site is prohibited. The discharge of decant water from any off-site temporary sediment

stockpile or storage areas to surface waters or surface water drainage courses is prohibited except where BMPs are adopted to comply with effluent and receiving water limitations.

B. Effluent Limitations

Wastewater (decant water and/or runoff water) discharged at any off-site temporary sediment stockpile areas to storm drains or waters of the State shall not exceed the following limits of quality at any time:

- i) pH: 6.5 - 8.5
- ii) Settleable matter: 1.0 ml/l/hr
- iii) Dissolved sulfide: 0.1 mg/l

C. Receiving Water Limitations

1. The dredging activities shall not cause:

- a. Floating, suspended or deposited macroscopic particulate matter or foam in waters of the State at a point 100 feet downstream from the point of discharge of diverted flow.
- b. Alteration of apparent color beyond present natural background levels in waters of the State at a point 100 feet downstream from the point of discharge of diverted flow.
- c. Visible floating, suspended, or deposited oil or other products of petroleum origin in waters of the State at a point 100 feet downstream from the point of discharge of diverted flow.
- d. The diverted flow shall not cause Waters of the State to exceed the following quality limits at a point 100 feet downstream from the point of discharge of diverted flow for non-tidal sites, and at the point of discharge for tidal sites:
 - i) Dissolved Oxygen: 5.0 mg/l minimum. When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.
 - ii) pH: A variation of natural ambient pH by more than 0.5 pH units.
 - iii) Toxic or other deleterious substances: None shall be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.

- iv) Turbidity: Increases from normal background turbidity relatable to the discharge of diverted flow or dredging activities shall not be greater than:
 - a) 5 NTUs in areas where natural turbidity is less than 50 NTUs, and
 - b) 10% in areas where natural turbidity is greater than 50 NTUs.
- 2. The groundwater shall not be degraded as a result of any handling operation and sediment disposal at a temporary sediment stockpile site.

D. Provisions

- 1. The Discharger shall comply with all the Prohibitions, Effluent Limitations, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of this Order or as provided below.
- 2. Prior to the start of any work, the Discharger shall submit a final BMP plan and final Self-Monitoring Program Water Quality Sampling Plan, acceptable to the Executive Officer. The Discharger shall implement the final BMP plan and Self-Monitoring Program Water Quality Sampling Plan during the entirety of the project.
- 3. The Discharger shall implement BMPs to prevent pollutants from draining into waters of the State, including the discharge of pollutants from temporary sediment stockpile sites and during the transport of dredged sediment from active dredging sites to storage sites.
- 4. The Discharger shall divert any water flow at the site (hereinafter diverted flow) around the active dredging site in a non-erosive manner using the methods specified in the BMP plan such that the water does not flow across the active dredging site and no equipment operates in areas of flowing water.
- 5. The Discharger shall halt work activities, including discharge of diverted flow, if dead or dying fish or fish exhibiting stress are observed within 1,000 feet of a work activity or discharge. The Discharger shall immediately consult with Regional Board and Department of Fish and Game staff to determine the cause of the problem and define an acceptable corrective action plan if the cause is related to sediment removal activities.
- 6. The Discharger shall comply with all applicable items of the Self-Monitoring Program (SMP).
- 7. The Discharger shall file with the Regional Board monthly self-monitoring reports performed according to any SMP issued by the Executive Officer or approved by this Order.
- 8. All reports pursuant to these Provisions shall be prepared under the supervision of a registered civil engineer or certified engineering geologist in the State of California.


9. The discharge of any hazardous, designated or non-hazardous waste as defined in Division 2, Subdivision 1, Chapter 2 of the California Code of Regulations shall be conducted in accordance with applicable state and federal regulations.
10. The Discharger shall remove and relocate any wastes which are discharged at any sites in violation of this Order.
11. The Discharger shall file with the Regional Board a report of any material change or proposed change in the character, location, or quantity of this waste discharge. For the purpose of these requirements, this includes any proposed change in the boundaries of the disposal sites.
12. A delineation of existing jurisdictional waters at any temporary sediment disposal site shall be conducted prior to the construction of an impoundment at the site and submitted to the Executive Officer prior to the disposal of sediment at the site.
13. The Discharger shall ultimately dispose of dewatered dredged material at a permitted landfill, upland silt disposal site permitted by the Regional Board, or otherwise at a site approved in advance by the Executive Officer.
14. The Discharger shall maintain a copy of this Order at the project site so as to be available at all times to site operating personnel.
15. The Discharger is considered to have full responsibility for correcting any and all problems which arise in the event of a failure to meet the conditions of this Order which results in an unauthorized release of waste or wastewater.
16. The Discharger shall permit the Regional Board or its authorized representative, upon presentation of credentials:
 - a. Entry on to the premises on which wastes are located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Access to inspect any treatment equipment, monitoring equipment or monitoring method required by this Order.
 - d. Access to sample any discharge or surface water covered by this Order.
17. The Discharger shall implement the Santa Clara Valley Water District Urgent Sediment Removal Project Compensatory Wetlands Mitigation And Monitoring Plan, dated June 8, 1998. The plan shall be revised to include the 1.8 acres of tidal wetlands restoration to

compensate for the 1998 project impacts to 1.79 acres of tidal wetlands at the Berryessa Creek site (Lower Penitencia to Calaveras Boulevard). Any substantive changes to the Mitigation and Monitoring Plan must be approved in writing by the Executive Officer. Pursuant to Finding 13, should the Executive Officer determine that additional mitigation acreage is required for the 1998 project's impacts, the Discharger shall provide acceptable additional mitigation, and shall submit a revised mitigation plan, as appropriate. Should the Executive Officer find that the initial mitigation is in excess of the amount required for the proposed project, the excess will be available for credit as mitigation against future impacts.

18. A mitigation construction plan and schedule, acceptable to the Executive Officer, shall be submitted 30 days prior to start of construction at the mitigation sites. The construction plan shall show specific mitigation locations and design details.
19. The delineation of existing jurisdictional waters at the mitigation sites shall be conducted prior to the start of construction at the mitigation sites. If the wetland mitigation sites have not developed in accordance with the performance criteria established in the mitigation plan by year 5 after completion of construction, the Discharger shall prepare a revised mitigation plan acceptable to the Executive Officer.
20. The Discharger shall submit mitigation monitoring reports by March 1st of each monitoring year for a minimum of 10 years, or until the mitigation success criteria have been achieved, from the completion of construction at the mitigation site(s). The Discharger shall also submit a notice of mitigation completion to the Executive Officer. The notice of mitigation completion shall include a plan, acceptable to the Executive Officer, for long-term maintenance and management of the mitigation sites. After submittal of an acceptable notice of mitigation completion, submittal of annual mitigation monitoring reports is no longer required.
21. The Discharger shall submit a technical report containing a proposal, acceptable to the Executive Officer, detailing the wetlands vegetation recovery study currently being conducted in tidal and non-tidal channels. The proposal shall be submitted no later than November 15, 1998, and shall include a detailed description of the proposed monitoring program, including locations, frequency, methods, and analysis.
22. In order to facilitate the process of obtaining a Water Quality Certification or WDRs for future stream maintenance work, the Discharger has proposed that a multi-year permit be issued by the Regional Board for flood control maintenance activities. The Discharger shall submit a technical report, acceptable to the Executive Officer, no later than November 15, 1998, which includes a plan for the application of a multi-year permit. The plan shall include provisions and a detailed schedule for addressing the following:
 - a. Summary of the maintenance program and historical records of maintenance work performed in the previous 10-year period.

- b. Evaluation of alternatives for a stream maintenance program that will include maintenance guidelines for each creek that determines when vegetation control, erosion repair, and sediment removal are needed.
 - c. Evaluation of the impacts of the alternative methods presented.
 - d. Mitigation for impacts to wetlands associated with the multi-year maintenance program.
- 23. If the Discharger intends to conduct sediment removal and bank stabilization activities in a given year, then the Discharger shall submit a technical report no later than May 1st of that year, which includes a list of the projects scheduled to be conducted in that year. The technical report will include a detailed description of each project and will include any proposed changes to the previously approved BMP plans, Water Quality Sampling plans, and Sediment Characterization plans.
- 24. These WDRs do not authorize commission of any act causing injury to the property of another or of the public; do not convey any property rights; do not remove liability under federal, state or local laws, regulations or rules of other programs and agencies nor do these WDRs authorize the discharge of wastes without appropriate permits from other agencies or organizations.
- 25. The Discharger shall obtain all the necessary approvals and/or permits for the project from the applicable government agencies, including the state Department of Fish and Game, U.S. Fish and Wildlife Service, and Corps, and shall submit them to the Regional Board within one week after receipt.
- 26. The Regional Board may reconsider the terms of this Order based on concerns with the amount of wetlands mitigation proposed for impacts resulting from the 1998 sediment removal sites and the need for long-term planning for channel maintenance.
- 27. This Order supersedes the requirements of Order No. 97-094, and Order No. 97-094 is hereby rescinded.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, complete and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 16, 1998.


Loretta K. Barsamian
Executive Officer

Attachment: A: Self-Monitoring Program (SMP)

CALIFORNIA REGIONAL WATER QUALITY CONTROL PLAN
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

FOR

Santa Clara Valley Water District 1998 Sediment Removal Project

Order No. 98-088

Adopted on September 16, 1998

I. General

A. Basis

Reporting responsibilities of the Project Proponent as "waste discharger" are specified in Sections 13225(a), 13267(b), 13268, 13383, 13387(b) of the California Water Code and this Regional Board's Resolution No. 73-16.

B. Purpose

The principal purposes of a monitoring program by a discharger, also referred to as a Self-Monitoring Program, are to document compliance with effluent requirements and prohibitions established by this Board; facilitate self-policing by the discharger in the prevention and abatement of pollution arising from improper effluent; to develop information on the effectiveness and feasibility of best management practices (BMPs); to develop or assist in the development of effluent or other limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards; and to prepare water and wastewater quality inventories.

C. Sampling and Methods

Sample collection, storage and analysis shall be performed according to 40 CFR, Section 136, or other methods approved by the Executive Officer.

Water analyses conducted on samples collected for laboratory analysis shall be performed by a laboratory approved by the Department of Health Services (DHS) or a laboratory approved by the Executive Officer.

All monitoring instruments and equipment, including instruments and equipment used in field sampling and analysis, shall be properly calibrated and maintained to ensure accuracy of measurements.

Routine sampling shall follow Quality Assurance/Quality Control procedures, including the use of field, equipment, and laboratory blanks and laboratory surrogate samples.

All Quality Assurance/Quality Control measures and results shall be reported along with the data.

II. DEFINITION OF TERMS

Grab Sample is defined as an individual sample collected in a short period of time not exceeding 15 minutes. They are to be used primarily in determining compliance with effluent and receiving water limits. Grab samples only represent the condition that exists at the time the water and effluent are collected.

100 feet from the point of discharge is defined as 100 feet downstream of the point at which water diverted around the dredging site is discharged into **non-tidal** waters of the State. For example, one such point of discharge during the subject project would be 100 feet downstream of the point of discharge into Berryessa Creek.

Point of discharge is defined as the point at which water diverted around the dredging site is discharged into **tidal** waters of the State.

Active Site is defined as that portion of a channel or stream on which dredging is being conducted and/or that may be subject to surface water flow during dredging within the project boundaries.

Duly Authorized Representative is one whose:

- a. authorization is made in writing by a principal executive officer, or
- b. authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g. field supervisor, project manager, chief engineer).

III. SPECIFICATIONS FOR SAMPLING AND ANALYSES

The Discharger is required to perform sampling and analyses in accordance with the following conditions and requirements:

A. Receiving Waters

1. Diverted water discharge sampling shall be conducted at 100 feet downstream from the point of discharge at the non-tidal sites during dredging, and at the point of discharge at the tidal sites during dredging. The first sampling event shall be conducted on the first day of the project (e.g. during the installation of water diversion BMPs).
2. Prior to the start of work (e.g. prior to the installation of water diversion BMPs) at each active site, background water samples shall be collected at a minimum of 100 feet upstream of the active site. The samples must be representative of typical undisturbed conditions, and must not be taken during a rainstorm or subsequent runoff event. In addition, the Discharger may collect background samples on a daily basis a minimum of 100 feet upstream of the active site. Background data generated by analysis of samples collected daily will be valid for discharge occurring on the same day. These samples shall be immediately analyzed on-site for the following constituents:

Constituents	Type of sample	Units
Turbidity	Grab	NTUs
pH	Grab	Not Applicable
Dissolved Oxygen	Grab	mg/l

3. Receiving water samples shall be collected at the active sites, at least two samples per day, evenly spaced during the work hours, with the first set of samples collected no earlier than one hour after work (e.g. dredging or installation of water diversion BMPs) has commenced each day. The location of each sampling site is 100 feet downstream from the point of diverted water discharge at the non-tidal sites, and at the point of diverted water discharge at the tidal sites. These samples shall be immediately analyzed on-site for the following constituents:

Constituents	Type of sample	Units
Turbidity	Grab	NTUs
pH	Grab	Not Applicable
Dissolved Oxygen	Grab	mg/l

4. Samples shall be taken at least one foot below the surface of the water body when possible.

5. If the analytical results for constituents analyzed on-site show that any grab sample exceeds any receiving water limit, confirmation samples shall be taken within two hours and every subsequent two hours, and analyzed for all constituents for which on-site analysis is required. Sampling at this higher frequency shall continue until the exceedance has been corrected. If any receiving water limit is exceeded in the confirmation sample(s), then a violation shall have occurred.
6. If any receiving water limit for a constituent or constituents is exceeded, then the Discharger shall implement the following process to address the exceedance:
 - a. Immediately implement procedures to identify the source of the exceedance;
 - b. Once the source of the exceedance has been identified, immediately implement procedures to correct the source of the exceedance; and
 - c. Resample to determine whether the exceedance has been corrected.
7. If any receiving water limit for a constituent or constituents is exceeded for a 12 hour period, then the Discharger shall immediately notify the Board by telephone and telefax of the exceedance and how it is correcting or will correct the exceedance.
8. If any receiving water limit for a constituent or constituents is exceeded for a 24 hour period, then dredging shall be terminated until the cause of the violation is found and sampling demonstrates that the exceedance has been corrected or when the Discharger has provided the Board with a corrective action plan, acceptable to the Executive Officer, that provides alternative methods of compliance.
9. For other violations, the Discharger shall notify the Board immediately whenever violations are detected and discharge shall not resume until the Discharger has provided the Board with a corrective action plan, acceptable to the Executive Officer, that provides alternative methods of compliance.
10. The Board recognizes that even with best management practices and appropriate equipment and methods, turbidity levels may momentarily exceed the limitations defined in this Order during the initial stage of such activities as (a) culvert invert cleaning for panel placement; (b) streambed preparation for bladder dam placement; (c) initial flow discharge in constructed bypass channels; (d) removal of panels and bladder dams; (e) placement and removal of coffer dams; and (f) installation and removal of corrective action measures. The following describes specific activities and duration of exceedance allowances:

At any given site, an exceedance of the turbidity limit during an activity described in 10(a) through 10(d) above, for a duration of not more than four (4) hours, shall

not be considered a “violation” in the context of enforcement or the need to take corrective action. The Discharger shall take all reasonable actions to limit the duration and magnitude of such exceedance events.

At any given site, an exceedance of the turbidity limit during an activity described in 10(e) and 10(f) above shall not be considered a “violation” in the context of enforcement or the need to take corrective action provided the duration of exceedance is:

<u>Not More Than</u>	<u>For Channel Widths</u>
4 hours	less than 100 feet wide
6 hours	100 to 150 feet wide
8 hours	more than 150 feet wide

The Discharger shall take all reasonable actions to limit the duration and magnitude of such exceedance events.

B. Effluent

1. Effluent sampling shall be conducted at any off-site temporary sediment stockpile location on every day that there is a discharge and results known within 24 hours of the sampling. Sampling shall be conducted at all storm drains or other points of discharge. These samples shall be analyzed for the following constituents:

Constituents	Type of sample	Units
Turbidity	Grab	NTUs
pH	Grab	Not Applicable
Dissolved Oxygen	Grab	mg/l
Dissolved Sulfide	Grab	mg/l
Settleable Matter	Grab	ml/l/hr

2. If the analytical results for constituents analyzed show that any grab sample exceeds any effluent limit, confirmation samples shall be collected within 24 hours and results known within 24 hours of the sampling.
3. If any effluent limit is exceeded in the confirmation sample(s), then a violation shall have occurred and the discharge shall be terminated until the cause of the violation is found and corrected. The Discharger shall immediately notify the Regional Board by telephone and telefax of the violation and how it is correcting or will correct the violation.

C. Standard Observations

The following observations shall be recorded on every day of operation:

1. Receiving Water and Effluent:

- a. Floating and suspended materials of waste origin (to include oil, grease, algae, and other macroscopic particulate matter): presence or absence, source and size of affected area.
- b. Discoloration and turbidity: description of color, source and size of affected area.
- c. Odor: presence or absence, characterization, source, distance of travel and wind direction.
- d. Hydrographic condition including: time and height of corrected low and high tides; and depth of water columns and sampling depths.
- e. Weather condition including: air temperatures, wind direction and velocity, and precipitation.

D. Records to be Maintained

1. Written reports, strip charts, calibration and maintenance records, and other records shall be maintained by the Discharger and accessible at all times. Records shall be kept for a minimum of three years. Records shall include notes and observations for each sample as follows:
 - a. Identity of each sampling and observation station by number.
 - b. Date and time of sampling.
 - c. Date and time analyses are started and completed and the name of person conducting analyses.
 - d. Complete procedure used, including the method of preserving and analyzing the sample, and identity and volumes of reagents used. A reference to a specific section of Standard Methods is satisfactory.
 - e. Calculations of results.
 - f. Results of analyses and/or observations.

2. Records shall include a map or maps of the site showing the location of sediment and water sampling locations, coffer dams, discharge pipes, access ramps, etc.
3. A tabulation shall be maintained showing the following:
 - a. Diverted flow data for the reach to be desilted, including estimated total flow or volume on a daily basis, and maximum and minimum flows for each month, if applicable.
 - b. Receiving water sampling data for each sampling location.

IV. REPORTS TO BE FILED WITH THE REGIONAL BOARD

A. Report of Permit Violations

In the event that this permit is violated, the Discharger shall notify the Board by telephone immediately in accordance with Sections III.A.7, III.A.9, and III.B.3, and shall notify the Board in writing within seven calendar days. A written report shall include time and date of incident, duration and estimated volume of discharge or bypass. The report shall include a detailed discussion of the reasons for the non-compliance and what steps were or will be taken to correct the failure and prevent it from occurring again.

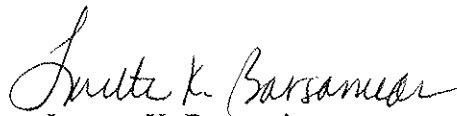
B. Self-Monitoring Reports

During dredging, written reports shall be filed regularly for each calendar month and filed no later than the fifteenth of the following month. The reports shall include the following:

1. A transmittal letter which includes a summary of all violations of waste discharge requirements found during the reporting period, any changes to the project design, and any unplanned releases or failures that have occurred since the last reporting period.
2. A monitoring report which details: the magnitude of the releases or failures; any discharge limit exceedances; dates of all exceedances; cause of the failures, releases or other violations; any corrective actions taken or planned; and the schedule for completion of corrective action.
3. Reports and the letter transmitting reports shall be signed by a principal executive officer(s) of the Discharger or by a duly authorized representative of that person.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedures set forth in this Board's Resolution No. 73-16, in order to obtain data and document compliance with discharge requirements established in Regional Board Order No. 98-088.
2. Was adopted by the Board on September 16, 1998.
3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the Discharger, and revisions will be ordered by the Executive Officer or Board.



Loretta K. Barsamian
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 98--089
NPDES PERMIT NO. CA0037541

AMENDING WASTE DISCHARGE REQUIREMENTS FOR:

CITY OF SAN MATEO
SAN MATEO, SAN MATEO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board, finds that:

1. On March 15, 1995, the Board adopted waste discharge requirements for the City of San Mateo Water Quality Control Plant (hereinafter called the Discharger), to discharge wastewater to the waters of the State and the United States through a deep water outfall under the National pollutant Discharge Elimination System (NPDES) in Order No. 95-055.
2. The Discharger presently discharges an average dry weather flow of 11 million gallons per day (mgd) from its treatment plant which has a current dry weather design capacity of 13.6 mgd. This plant treats domestic and commercial wastewater from the City of San Mateo, the City of Foster City, the Town of Hillsborough, and portions of the City of Belmont and unincorporated San Mateo County. The Discharger currently provides secondary treatment during the winter months (October-April) and advanced-secondary level treatment during the summer months (May- September). Treatment facilities consist of primary clarifiers, aeration tanks, final clarifiers, pressure filters (May-September), and chlorination and dechlorination. The treated wastewater is discharged into the deep water water channel of lower San Francisco Bay, a water of the State and United States, at a point approximately 500 feet north of the San Mateo-Hayward Bridge through a submerged diffuser about 3700 feet offshore at a depth of 41 feet below mean lower low water (Latitude 37 deg., 34 min., 59 sec.; longitude 122 deg., 14 min., 45 sec.). The outfall is designed to provide an initial dilution of approximately 40:1 while effluent limits are calculated based on the more limited 10:1 initial dilution allowed by the Basin Plan.
3. Table 4-2 and its footnotes in the Basin Plan allows fecal coliform limitations to be substituted for total coliform limitations provided that the discharger demonstrates that there is no unacceptable adverse impact on the the beneficial uses of the receiving waters. Previously, several other dischargers including the City and County of San Francisco, Central Contra Costa Sanitary District, East Bay Dischargers Authority, East Bay Municipal Utility District, and Central Marin Sanitation Agency have conducted such studies, documented the absence of discernible impact on receiving waters, and been issued permit amendments allowing operation with fecal coliform effluent limitations.
4. In January 1997, the Discharger initiated a study to measure the effect of reduced chlorine residual on fecal coliform numbers in the effluent and receiving waters. On January 28, 1998, the Discharger submitted to the Board its report entitled, *Chlorination Reduction Evaluation and Recommendations for Modified Effluent Coliform Limitations*, dated November 1997. In all cases at the five off-shore stations, receiving water fecal coliform levels remained below the most restrictive 200 MPN/100 ml water contact objective (REC-1). During the predominately dry season months, while the plant was discharging effluent concentrations near the 200 MPN/100 ml target level, receiving water concentrations were below 10 MPN/100 ml, with most values at or below the 2 MPN/100 mL detection limit. Concurrent day effluent and receiving water monitoring documented that the objective remained fully protected when the plant discharged daily fecal coliform concentrations as high as 800 MPN/100ml. The data analysis showed that there was no

discernible relationship between WQCP effluent fecal coliform levels and off-shore fecal coliform levels. Correlation coefficients were highly insignificant, ranging from 0.03-0.09. As expected based on prior studies, concentrations were elevated during wet weather periods at the off-shore stations including the reference station.

5. Shoreline monitoring results showed no relationship to effluent fecal coliform concentrations. Correlation coefficients were insignificant ranging from 0.00 to 0.17. Total coliform monitoring results from 1994-95 and 1995-96 showed even greater variability and an equivalent lack of correlation with effluent concentrations (correlation coefficients of 0.00 to 0.24). In the two areas of potential (historic) shellfish harvesting along the south Foster City shoreline the 5 sample median 14 MPN/100 ml fecal coliform shellfish harvesting objective was only met on two occasions and as noted above, levels were unrelated to effluent concentrations. The 1990 Foster City Lagoon Management Plan also noted the large presence of birds in this area and indicated that they may be the greatest "point source" of coliforms in the vicinity.
6. The discharger presented a statistical evaluation of the data and a discussion of the uncertainty inherent in the MPN methodology. In prior actions to substitute fecal for total coliform limits, the Board has chosen to adopt the Basin Plan or 1990 DHS recommended water quality objectives directly as effluent limits, without consideration of dilution. For deepwater dischargers with water contact recreation beneficial uses (such as Central Marin Sanitation Agency), this has meant a five-day log mean fecal coliform effluent limit of 200 MPN/100ml and a 90th percentile limit of 400 MPN/100ml
7. The discharger has requested a daily maximum limit of 2000 MPN/100 ml in lieu of a 90th percentile 400 MPN/100 ml limit, citing that it is statistically consistent with the 200 MPN/100 ml median or log mean limit and simpler to use for compliance determination. Past Board practice for total coliform limits has been to set daily maximum limits at a factor of at least 10 times higher than the five or seven day median limits. Board staff have reviewed the data and statistical analysis and believes that this is a broader issue requiring additional information, analysis, and public involvement that is best addressed through the Basin Plan amendment process. The permit includes the current water quality water contact objectives directly as effluent limits. The Board will consider reopening this permit to include alternative log mean and/or daily maximum effluent limits following a review of the water quality and technical basis for the Basin Plan's receiving water bacteriological objectives and methodology for translating them into effluent limits.
8. Relaxation of the coliform effluent limit allows for reduced usage of chlorine, which in turn reduces the discharge of chlorinated organic by-products (chlorinated organics such as trihalomethanes), which are potentially harmful to the Bay and its biota.
9. The above mentioned report provides new information not available at the time the permit was issued which justifies application of a different coliform limit. Therefore, this revised effluent limit does not violate the anti-backsliding provision of sections 402(o)(1)-(3) and 303(d)(4) of the Clean Water Act. The revised effluent limit will not result in any decrease in water quality and therefore it is consistent with the State Board Resolution 68-16 (Anti degradation Policy) and with the Federal Anti degradation Rule (40 CFR 131.12).
10. The amendment of an NPDES permit is exempt from the provisions of Chapter 3 (commencing with Section 21100 of Division 13) of the Public Resources Code (CEQA) pursuant to Section 13389 of the Water Code.
11. The Discharger and interested agencies and persons have been notified of the Board's intent to amend the requirements for the existing discharge and have been provided an opportunity to submit their written views and recommendations.
12. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, that:

- A. Section B.1 under "EFFLUENT LIMITATIONS" of Order No.95-055 shall be amended to read as follows:

1(a). During the months of May through September the following effluent limitations shall apply:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Max</u>
Carbonaceous BOD (CBOD5, 20°C)	mg/l	15	25	35	--

1(b). During the months of October through April the following effluent limitations shall apply:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Max</u>
Carbonaceous BOD (CBOD5, 20°C)	mg/l	25	40	50	--

- B. Section B.2 under "EFFLUENT LIMITATIONS" of Order No. 95-055 shall be amended to read as follows:

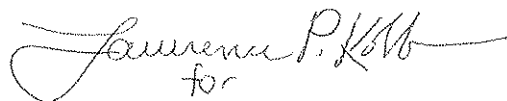
pH: The pH of the discharge shall not exceed 9.0 nor be less than 6.0.

- C. Section B.3. under "EFFLUENT LIMITATIONS" of Order No.95-055 shall be amended to read as follows:

Fecal Coliform Bacteria:

The treated wastewater, at some place in the treatment process prior to discharge, shall meet the following limits of bacteriological quality: The five day log mean fecal coliform density shall not exceed 200 MPM/100 ml, and the 90th percentile value shall not exceed 400 MPN/100 ml

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 16, 1998.



LORETTA K. BARSAMIAN
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 98-090

NPDES PERMIT NUMBER CA0029955 RESCISSION OF ORDER NUMBER 93-097,
WASTE DISCHARGE REQUIREMENTS FOR: ROMIC ENVIRONMENTAL
TECHNOLOGIES CORPORATION, 2081 BAY ROAD, EAST PALO ALTO, SAN
MATEO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region
(hereinafter Board) finds that:

1. The Board issued the following individual NPDES permit for discharge of
extracted and treated groundwater:


Item Number	WDID Number	Discharger Facility Address	Order Number	NPDES Number	Date Adopted
1	2438221001	Romic Chemical Corporation 2081 Bay Road, East Palo Alto, CA 94303	93-097	CA0029955	8/18/93

2. This individual NPDES permit is no longer needed. The discharger applied for
and received a discharge authorization letter under an NPDES general permit
for extraction, treatment, and discharge of groundwater.
3. The rescission of waste discharge requirements (NPDES permit) for the
discharge is exempt from the provisions of the California Environmental
Quality Act (CEQA) pursuant to Section 13389 of the California Water Code.
4. The Board has notified the discharger and interested agencies and persons of
its intent to rescind waste discharge requirements (NPDES permit) for the
discharge, and has provided them with an opportunity for a public hearing
and an opportunity to submit their written views and recommendations.

The Board, in a public meeting, heard and considered all comments pertaining to
the discharge.

IT IS HEREBY ORDERED that Board Order Number 93-097 is rescinded.

I, Loretta K. Barsamian, Executive Officer, do hereby certify the foregoing is a full,
true, and correct copy of an Order adopted by the California Regional Water Quality
Control Board, San Francisco Bay Region, on September 16, 1998.


for
Loretta K. Barsamian
Executive Officer